



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R5-FAC-2023-N046; FXFR13350500000/234/FF05F24400; OMB Control Number 1018-0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget; Horseshoe Crab and Cooperative Fish Tagging Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review – Open for Public Comments" or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to Info_Coll@fws.gov. Please reference "1018-0127" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service

Information Collection Clearance Officer, by email at *Info_Coll@fws.gov*, or by telephone at (703) 358-2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

On February 10, 2023, we published in the *Federal Register* (88 FR 8906) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 11, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket FWS-R5-FAC-2023-0004) to provide the public with an additional method to submit comments (in addition to the typical *Info_Coll@fws.gov* email and U.S. mail submission methods). We received the following comments in response to that notice:

Comment 1: Electronic submission via Regulations.gov (FWS-R5-FAC-2023-0004-0002) received from Jean Publiee on February 10, 2023, which did not address the information collection requirements.

Agency Response to Comment 1: The commenter did not address the information collection requirements. No response required.

Comment 2: Electronic submission via Regulations.gov (FWS-R5-FAC-2023-0004-0003) received anonymously on April 11, 2023, which did not address the information collection requirements.

Agency Response to Comment 2: The commenter did not address the information collection requirements. No response required.

Comment 3: Electronic submission via Regulations.gov (FWS-R5-FAC-2023-0004-0004) received from Amanda Day on April 11, 2023:

A letter was submitted with comment 3, addressing a few key points of the horseshoe crab tagging program and suggesting potential protocol revisions. The commenter wrote that it was the wrong time to terminate the crab tagging program, in part because it is the only mark-recapture effort that can provide information on population and survival estimates for horseshoe crabs. The commenter suggested that we employ a standardized protocol for data comparability, select a minimum number of beaches per State, conduct tag recovery surveys, develop datasheets, use online data entry, and reconsider tagging by biomedical companies.

Agency Response to Comment 3: We appreciate the thoughtful response regarding horseshoe crab tagging. Many of the protocol suggestions are already in place. We currently provide datasheets to all interested tagging partners and require tagging agencies/groups to conduct resight surveys as part of their agreement to participate in the horseshoe crab tagging program. Additionally, since we have added the online method for tag reporting (at fws.gov/crabtag), about 95 percent of all tag returns are submitted this way. We understand the concern over biomedical companies tagging horseshoe crabs; however, the data acquired by biomedical companies tagging bled horseshoe crabs has proven to be very useful. It has helped us estimate survival rates of bled crabs vs. unbled

crabs, a long-time management concern over biomedical bleeding of horseshoe crabs. As management continues to refine best management practices for biomedical bleeding, tagging data can provide insight into the effectiveness of those practices.

Comment 4: Electronic submission via Regulations.gov (FWS-R5-FAC-2023-0004-0005) received from the Delaware Riverkeeper Network on April 12, 2023:

The Delaware Riverkeeper Network (DRN) wrote a comment in support of continuation of horseshoe crab tagging. They assist with a current tagging partner and believe the program is useful in a number of ways, including exposing members of the public to the unique experience of working to help manage horseshoe crabs via tagging. The DRN suggested deploying additional tags and also asked the Service to consider the recent best management practices for biomedical bleeding, provided by the Horseshoe Crab Recovery Coalition.

Agency Response to Comment 4: We appreciate the kind words about the tagging program and the volunteer efforts by all those with DRN and associated tagging partners. At this time, it would be difficult to provide more tags to the American Littoral Society (ALS; the tagging partner working with DRN), because we have a limited budget and already provide tags. Additional tags result in higher costs, mainly stemming from the associated rewards associated with recaptures of those tags by the public. We will continue to work with the Atlantic States Marine Fisheries Commission (ASMFC) and all tagging partners to best determine the proper distribution of tags along the Atlantic Coast. Consideration of the best management practices is outside of the scope of response associated with this information collection.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot

guarantee that we will be able to do so.

Abstract: The Fish and Wildlife Act of 1956 (16 U.S.C. 742f) requires the Department of the Interior to take steps “required for the development, advancement, management, conservation, and protection of fishery resources.” In addition, the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the Wildlife Coordination Act (16 U.S.C. 661–666c), and the Anadromous Fish Conservation Act (16 U.S.C. 757a–757g) each authorize the Department of the Interior to enter into cooperative agreements with stakeholders to protect and conserve fishery resources. The Service’s Maryland Fish and Wildlife Conservation Office (MDFWCO) will collect information on horseshoe crabs and fishes captured by the public. Tag information provided by the public will be used to estimate recreational and commercial harvest rates, estimate natural mortality rates, and evaluate migratory patterns, length and age frequencies, and effectiveness of current regulations.

Horseshoe crabs play a vital role commercially, biomedically, and ecologically along the Atlantic coast. Horseshoe crabs are commercially harvested and used as bait in eel and conch fisheries. Biomedical companies along the coast also collect and bleed horseshoe crabs at their facilities. *Limulus* amebocyte lysate, derived from horseshoe crab blood, is used by pharmaceutical companies to test sterility of products. Finally, migratory shorebirds also depend on the eggs of horseshoe crabs to refuel on their migrations from South America to the Arctic. One bird in particular, the rufa red knot (*Calidris canutus rufa*), feeds primarily on horseshoe crab eggs during its stopover. Effective January 12, 2015, the rufa red knot was listed as threatened under the Endangered Species Act (79 FR 73706; December 11, 2014).

In 1998, the ASMFC, a management organization with representatives

from each State on the Atlantic coast, developed a horseshoe crab management plan. The ASMFC plan and its subsequent addenda established mandatory State-by-State harvest quotas and created the 1,500-square-mile Carl N. Shuster, Jr., Horseshoe Crab Sanctuary off the mouth of Delaware Bay.

Restrictive measures have been taken in recent years; however, populations are increasing slowly. Because horseshoe crabs do not breed until they are 9 years or older, it may take some time before the population measurably increases. Federal and State agencies, universities, and biomedical companies participate in a Horseshoe Crab Cooperative Tagging Program. The Service's MDFWCO maintains the information collected under this program and uses it to evaluate migratory patterns, survival, and abundance of horseshoe crabs.

Members of the public who recover tagged crabs provide the following information using Form 3-2310 (Horseshoe Crab Recapture Report):

- Tag number;
- Whether or not tag was removed;
- Condition of crab;
- Date captured/found;
- Crab fate;
- Finder type;
- Capture method;
- Capture location;
- Reporter information; and
- Comments.

Agencies that tag and release the crabs complete Form 3-2311 (Horseshoe Crab Tagging) and provide the Service with:

- Organization name;
- Contact person name;
- Tag number;
- Sex of crab;
- Prosomal width; and
- Capture site, latitude, longitude, waterbody, State, and date.

At the request of the public participant reporting the tagged crab, we send data pertaining to the tagging program and tag and release information on the horseshoe crab tag that was found.

Fish will be tagged with an external tag containing a toll-free number for MDFWCO. Tagged species of fish include striped bass (*Morone saxatilis*), Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*), northern snakehead (*Channa argus*), and American shad (*Alosa sapidissima*). Members of the public reporting a tag will be asked a series of questions pertaining to the fish that they are referencing. The Service uses the following four forms to collect information used by fisheries managers throughout the Atlantic Coast, depending on species:

- Form 3-2493, "American Shad Recapture Report";
- Form 3-2494, "Snakehead Recapture Report";
- Form 3-2495, "Striped Bass Recapture Report"; and
- Form 3-2496, "Sturgeon Recapture Report."

American shad are tagged by the New York Department of Environmental Conservation (NYDEC), which retains all fish tagging information. The public reports tags to MDFWCO, who provides information on tag returns to NYDEC. Tag return data are used to monitor migration and abundance of shad along the Atlantic coast.

Northern snakehead is an invasive species found in many watersheds throughout the mid-Atlantic region. It has been firmly established in the Potomac River since at least 2004 and is now in nearly every major Chesapeake Bay tributary. Federal and State biologists within the Chesapeake Bay watershed have been tasked with managing the impacts of northern snakehead. Tagging of northern snakehead is used to learn more about the species so that control efforts can be better informed. Tagging is also used to estimate population sizes to monitor trends in abundance. Recreational and commercial fishers reporting tags provide information on harvest rates and migration patterns as well.

Striped bass are cooperatively managed by Federal and State agencies through the Atlantic States Marine Fisheries Commission (ASMFC). The ASMFC uses fish tag return data to conduct stock assessments for striped bass. The database and collection are housed within MDFWCO, while the tagging is conducted by State agencies participating in striped bass management. Without this data collection, striped bass management would likely suffer from a lack of quality data. As required by Congress under the Atlantic Striped Bass Conservation Act (16 U.S.C. 5151–5158), striped bass tagging data is used to manage the coast-wide stock.

Sturgeon are tagged by Federal, State, and university biologists and nongovernmental organizations along the U.S. east coast and into Canada, and throughout the United States and Canada. Local populations of Atlantic sturgeon have been listed as either threatened or endangered since 2012, and shortnose populations have been listed since 1973. The information collected provides data on tag retention and sturgeon movement along the east coast. The data are also used to address some of the management and research needs identified by amendment 1 to the ASMFC's Atlantic Sturgeon Fishery Management Plan.

Data collected across these tagging programs are similar in nature, including:

- Tag number;
- Date of capture;
- Waterbody of capture;
- Capture method;
- Fish length, weight, and fate (whether released or killed); and
- Fisher type (i.e., commercial, recreational, etc.).

In addition, if the tag reporter desires more information on their tagged fish or wants the modest reward that comes with reporting a tag, we ask their address so that we can mail them the information.

The public may request a copy of Form 3-156 contained in this information collection by sending a request to the Service Information Collection Clearance Officer (see **ADDRESSES**).

Title of Collection: Horseshoe Crab and Cooperative Fish Tagging Programs.

OMB Control Number: 1018-0127.

Form Number: Forms 3-2310, 3-2311, and 3-2493 through 3-2496.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Respondents include Federal and State agencies, universities, and biomedical companies who conduct tagging, and members of the general public who provide recapture information.

Total Estimated Number of Annual Respondents: 2,026.

Total Estimated Number of Annual Responses: 3,648.

Estimated Completion Time per Response: Varies from 5 minutes to 95 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 2,241.

Respondent's Obligation: Voluntary.

Frequency of Collection: Respondents will provide information on occasion, upon tagging or upon encounter with a tagged crab or fish.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,
Information Collection Clearance Officer,
U.S. Fish and Wildlife Service.

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